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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,289	09/16/2003	Katherine Woo	2043.140US1	4544
49845	7590	01/14/2008		
SCHWEGMAN, LUNDBERG & WOESSNER/EBAY			EXAMINER	
P.O. BOX 2938			LAstra, DANIEL	
MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			01/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

Office Action Summary	Application No. 10/664,289	Applicant(s) WOO, KATHERINE	
	Examiner DANIEL LASTRA	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-43 have been examined. Application 10/664,289 (METHOD AND SYSTEM FOR OFFERING A MONEY-BACK GUARANTEE IN A NETWORK-BASED MARKETPLACE) has a filing date 09/16/2003.

Claim Objections

2. Claim 38 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 38 is a copy of claim 33.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18, 20-39 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Junger (US 2004/0172260).

Claims 1, 22, 42 and 43, Junger teaches:

A method of providing a money-back guarantee for a transaction in a network-based marketplace, the method including:

receiving, over a network, a reimbursement request against the money-back guarantee for an eligible transaction (see paragraph 183);

responsive to receiving the reimbursement request, verifying the reimbursement request is eligible for the money-back guarantee (see paragraph 183); and

electronically reimbursing a buyer a predetermined amount associated with the eligible transaction and the money-back guarantee (see paragraph 184).

Claims 2 and 23, Junger teaches:

determining if a seller is eligible to offer the buyer the money-back guarantee (see paragraph 10).

Claims 3 and 24, Junger teaches:

offering the seller an option to offer the buyer the money-back guarantee if the seller is eligible (see paragraph 10).

Claims 4 and 25, Junger teaches:

providing a seller interface for the seller to choose whether the money-back guarantee is offered on the eligible transaction (see paragraph 183) .

Claim 5, Junger teaches:

verifying that the eligible transaction is eligible for the money-back guarantee (see paragraph 183).

Claims 6 and 26, Junger teaches:

wherein the verifying includes determining that a transaction amount associated with the eligible transaction does not exceed a predetermined threshold (see paragraph 183).

Claims 7 and 27, Junger teaches:

wherein the verifying includes determining that a transaction occurred within a predetermined timeframe (see paragraph 123).

Claims 8 and 28, Junger teaches:

providing a guarantee interface for the buyer to activate the money-back guarantee associated with the eligible transaction (see paragraph 183).

Claims 9 and 29, Junger teaches:

collecting a fee from the buyer for activating the money-back guarantee, wherein the fee is in addition to the associated transaction cost (see paragraph 24 "restocking fee").

Claims 10 and 30, Junger teaches:

calculating the fee base upon a predetermined percentage of the transaction amount plus a flat fee (see paragraph 24 "restocking fee").

Claims 11 and 31, Junger teaches:

receiving payment from the buyer for the money-back guarantee and the associated transaction cost and responsive to receiving the payment, generating a transaction identification number (see paragraph 28).

Claims 12 and 32, Junger teaches:

providing a reimbursement request interface for the buyer to submit the reimbursement request against the money-back guarantee associated with the eligible transaction (see paragraph 30).

Claims 13, 33 and 38, Junger teaches:

wherein the reimbursement request includes a transaction number, date of transaction, reason for the request, and type of item associated with the request (see paragraphs 30-31).

Claims 14 and 34, Junger teaches:

wherein the verifying of the reimbursement request includes verifying the eligibility of the transaction and seller for the money-back guarantee and verifying the buyer paid for the money-back guarantee (see paragraph 178).

Claims 15 and 35, Junger teaches:

reimbursing the buyer if an item associated with the eligible transaction is alleged to be defective (see paragraph 184).

Claims 16 and 36, Junger teaches:

reimbursing the buyer if an item associated with the eligible transaction is not received by the buyer (see paragraph 183).

Claims 17 and 37, Junger teaches:

reimbursing the buyer if an item associated with the eligible transaction is unwanted (see paragraph 183).

Claims 18 and 39, Junger teaches:

wherein the eligible transaction is an online transaction using the Internet (see paragraph 177).

Claims 20 and 41, Junger teaches:

wherein the online transaction is a fixed price transaction (see paragraph 184).

Claim 21, Junger teaches:

wherein the network-based marketplace supports transactions between a plurality of sellers and a plurality of buyers (see paragraph 183).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junger (US 2004/0172260) in view of Harrison (US 2001/0039524).

Claims 19 and 40, Junger fails to teach wherein the online transaction is associated with an online auction. However, Harrison teaches an online auction where seller can refund buyers for auction products (see paragraphs 133-134). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Junger's refund system would be applied to online auctions, as it is old and well known in the art to request refunds in online auctions, as taught by Harrison.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Daniel Lastra', with a stylized flourish at the end.

Daniel Lastra
January 6, 2008